

THIRD DIVISION

[A.M. No. P-01-1512, September 24, 2001]

TERESITA H. ZIPAGAN, COMPLAINANT, VS. JOVENCIO N. TATTAO, COURT INTERPRETER III, REGIONAL TRIAL COURT, CABAGAN, ISABELA, RESPONDENT.

DECISION

PANGANIBAN, J.:

The conduct of all employees in the judiciary is circumscribed with a heavy burden of responsibility. It must at all times be characterized by strict propriety and decorum so as to maintain the respect of the public.

Statement of the Case

Before this Court is a Complaint^[1] filed by Teresita H. Zipagan,^[2] in which she charges Jovencio N. Tattao, Court Interpreter III of the Regional Trial Court (RTC) of Cabagan, Isabela, with gross misconduct in office. Quoted hereunder is her Complaint:

"That on or about February 26, 1998, at Cabagan, Isabela, Philippines, and within the jurisdiction of this Honorable Supreme Court, the said accused, did then and there while complainant was in the premises of the official station of the accused at the Regional Trial Court, Branch 22, Cabagan, Isabela, x x x [abuse] his official stature, assault, slap and hit with a glass the victim TERESITA H. ZIPAGAN, thereby causing injury to the said complainant as per Medico Legal Certificate issued by Dra. Mignonette Tamayo, which would require a healing period of seven (7) days and medical attendance for the same period of time, to the damage and prejudice of the said complainant."^[3]

The Facts

The factual antecedents of the present case are summarized by the Office of the Court Administrator^[4] (OCA) in a Memorandum dated May 18, 2001, as follows:

"A SWORN COMPLAINT dated 26 February 1998 of Teresita H. Zipagan accusing Jovencio N. Tattao of gross misconduct in office was received by the Office of the Court Administrator x x x.

"Complainant claims that on 26 February 1998 she went to the Office of the Clerk of Court of the Regional Trial Court of Cabagan, Isabela to discuss an important official matter with the presiding judge of said Court. Thereafter she talked with a certain Mrs. Albano, 'the officer-in-charge of the Regional Trial Court, Branch 22, Cabagan, Isabela' regarding her consultation with the judge. It was at that juncture that

respondent berated her saying '*[M]anao ca ngana taue, cannu oorderan nga Department of Justice y oficina mi ta under cami lappa ta Supreme Court, gagangay gare tu sipsip ca adde tagga ta cami Judge Vera Cruz,*' which means in English, [*`G]et out of this place, we don't receive orders from the Department of Justice because we are under the Supreme Court, you [have been] a sucker ever since the time of Judge Vera Cruz.*' Afterwards, respondent slapped her right cheek and hit her right eye with a glass with water causing her to become wet. As a result of the incident she suffered injury in her right eye.

"In his COMMENT dated 02 June 1998, respondent avers that on 26 February 1998, complainant entered their office and therein shouted `x x x so many utterances which disturbed the people who [were] attending the trial of cases set for said date.' He told her not to shout since their office [was] not a market place but complainant went near him and threw the `glass of Sprite' he was drinking (respondent was taking his merienda that time). Thereafter, Zipagan hit him with a ballpen, wounding his right elbow in the process so he slapped her with his left hand. Still, complainant kept on attacking him and was only pacified when Utility Worker Gerard Vinasoy brought her out of the office.

"Tattao claims that Zipagan filed a criminal complaint against him with MCTC, Cabagan, Isabela for which he already filed a counter-affidavit. Respondent closes his COMMENT saying `that with the unbecoming conduct of Mrs. Teresita H. Zipagan, she should be punished for conduct unbecoming and besides she should be investigated for frequently absenting herself from office every Wednesday of the week because she is attending to her sari-sari store in Cabagan Public Market, without leave of absence and for collecting illegal bet for [j]ueteng, she being an employee of the Public Prosecutor's Office.'

"In a resolution of the Third Division of this Court dated 31 January 2000, the Court resolved to refer this case to Executive Judge Alfredo G. Vergara, Regional Trial Court, Cabagan, Isabela for investigation, report and recommendation within sixty (60) days from receipt of the records of the case.

"However on 21 March 2000, counsel for the complainant, Atty. Carlos T. Aggabao, filed with this Office an Urgent Motion for Inhibition of the Investigating Judge claiming that respondent Jovencio N. Tattao [was] a subordinate of the executive judge and that both of them used to [be] together in coming to Cabagan and going home to Ilagan, Isabela.

"On 02 August 2000 the Third Division of this Court issued a resolution designating Executive Judge Juan A. Bigornia, Jr. [of] Branch 18, Regional Trial Court, Ilagan, Isabela to conduct the investigation."^[5]

Recommendation of the Investigating Judge

Judge Juan A. Bigornia Jr.,^[6] executive judge of the RTC of Ilagan, Isabela (Branch 18), conducted the investigation on the matter. In his Report and